

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHERMAN M. BELL,

Plaintiff,

v.

GODWIN UGWUEZE, et al.,

Defendants.

No. 1:21-cv-00998-JLT-EPG (PC)

ORDER DENYING PLAINTIFF'S MOTION  
FOR CHANGE OF VENUE

(Doc. 17)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Docs. 13, 15)

ORDER DISMISSING ACTION

The assigned magistrate judge issued findings and recommendations that “[t]his action be dismissed, with prejudice, for failure to state a claim” and that “[t]he Clerk of Court be directed to close this case.” (Doc. 15 at 9.) Plaintiff objected. (Doc. 22.)

In the interim, while the findings and recommendations remained pending, Plaintiff filed a motion to change venue on November 10, 2021. (Doc. 17.) In that motion, Plaintiff suggests a change of venue would be appropriate so that he can receive a speedier resolution of this case. (*Id.*) The relevant statute, 28 U.S.C. § 1404, allows a court to transfer venue “[f]or the convenience of parties and witnesses, in the interest of justice . . . to any other district or division where it might have been brought or to any district or division to which all parties have consented.” Plaintiff fails to identify any other judicial district to which transfer might be



1 appropriate. Moreover, because the case will be dismissed for the reasons set forth below, his  
2 desire to obtain a speedier resolution will be moot upon entry of this order. For all those reasons,  
3 the motion for change of venue is DENIED.

4 The Court next turns to the findings and recommendations. According to 28 U.S.C. §  
5 636(b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed  
6 the entire file, the Court concludes that the magistrate judge's findings and recommendations are  
7 supported by the record and by proper analysis. Of note, the Court agrees with the magistrate  
8 judge that there are no factual allegations suggesting that any defendant knew Plaintiff's  
9 prescription was about to expire and should be refilled but took no action. At most Plaintiff's  
10 allegations suggest that certain defendants may have inadvertently failed to timely renew his  
11 prescription. As the findings and recommendations explain, this is insufficient. Accordingly,

- 12 1. The findings and recommendations issued on October 29, 2021 (Doc. No. 15), are  
13 adopted in full,
- 14 2. Plaintiff's motion for change of venue, (Doc. No. 17), is denied.
- 15 3. This action is dismissed, with prejudice, for failure to state a claim; and
- 16 4. The Clerk of Court is directed to close this case.

17  
18 IT IS SO ORDERED.

19 Dated: **June 16, 2022**

  
UNITED STATES DISTRICT JUDGE